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TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[SO 131, Amdt. 39]

REVISED MAXIMUM PRICES FOR CERTAIN COTTON TEXTILES

Section 4 of Supplementary Order 131 is amended in the following respects:

1. The words, "and/or Colonial Mills, Inc.," are added to the table in paragraph (aaa), the added words are to immediately follow the words, "Southeastern Cotton, Inc."

This amendment shall become effective as of May 13, 1946.

Issued this 21st day of April 1947.

PHILIP B. FLEMING,
 Temporary Controls Administrator.

Statement of Considerations Involved in the Issuance of Amendment 39 to Supplementary Order No. 131

Amendment 25 to Supplementary Order 131, effective May 13, 1946, was issued to accomplish the price revision in anticipation of which adjustable pricing was granted to the producers of yarn-dyed slack suitings, in Revised Supplementary Order No. 114. Of the several price increases, there was an increase granted to Southeastern Cotton, Inc., for "36" H. P. 2 and H. P. 14 plains, sanforized." It was thought at the time that Southeastern Cotton, Inc., was the selling agent of Hannah Pickett Mills, Inc., the producer of these types of cloth. Actually, however, Southeastern Cotton, Inc., ceased to be such an agent several months previously. Colonial Mills, Inc., had become the exclusive selling agent and was acting in that capacity at the time the amendment was issued.

When Colonial Mills, Inc., called attention to the error, the Office of Price Administration was willing to correct it, but action was held-up pending consideration of a request by the company for an additional, prospective increase in its maximum prices, so that if an increase was found justified, then both matters could be taken care of in a single amendment. The company approved that course. Before a determination could be made on the request for an additional

increase, the particular items were de-controlled and the question of an additional increase became moot. Upon the specific request of Colonial Mills, Inc., the accompanying amendment is, therefore, issued to correct the previous error.

[F. R. Doc. 47-3885; Filed, Apr. 21, 1947; 11:40 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGE ACROSS SANDUSKY BAY BETWEEN BAYBRIDGE AND DANBURY, OHIO

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.707 is hereby prescribed to govern the operation of the Ohio Department of Highways bridge across Sandusky Bay between Baybridge and Danbury, Ohio.

§ 203.707. *Sandusky Bay, Ohio: Ohio Department of Highways bridge between Baybridge and Danbury, Ohio.* (a) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance during the period December 16 to March 15, both dates inclusive.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, during the period described in paragraph (a) of this section, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative shall, in compliance therewith, arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides thereof, in such a manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

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(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation. [Regs. Jan. 27, 1947 (Sandusky Bay-Baybridge-Danbury, Ohio) — ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3847; Filed, Apr. 21, 1947; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

[Amdt. to Instruction 3, Pub. Law 458, 79th Cong.]

PART 2—ADJUDICATION; VETERANS' CLAIMS (APPENDIX)

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PART 4—ADJUDICATION; VETERANS' CLAIMS, CENTRAL OFFICE SECTION (APPENDIX)

PART 35—VETERANS' REGULATIONS

INSTRUCTIONS RELATING TO RATING AND AWARDS

The subject of Instruction No. 3, appearing in 12 F. R. 2365 as "Instructions relating to the rating of combat incurred disabilities," should be amended to read: "Instructions relating to rating and awards", as set forth above.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

APRIL 15, 1947.

[F. R. Doc. 47-3809; Filed, Apr. 21, 1947; 8:46 a. m.]

PART 5—ADJUDICATION; DEPENDENTS' CLAIMS

FILING OF CLAIMS AND SUPPORTING EVIDENCE

§ 5.2500 *Application for death benefits.* (a) A specific claim on the form prescribed by the Administrator of Veterans' Affairs must be filed by the widow, child or children and/or dependent mother or father applying for pension or compensation or by the claimant for accrued benefits. A claim for compensation under the General Law based on service prior to April 21, 1898, must be executed before a notary public or other officer authorized to administer oaths for general purposes, or before an employee of the Veterans' Administration to whom authority to administer oaths has been delegated by the Administrator. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application and if such evidence is not received within one year from the date of request therefor, pension or compensation may not be

paid by virtue of that application (§ 35.021 (a) (1) (ii) of this chapter); *Provided*, That a claim for pension or compensation filed by a widow or by the next friend or guardian of a child or by a parent will also be considered as a claim for any accrued amount due; *Provided further*, That a claim filed by a widow in which additional pension or compensation is claimed on account of a child or children in her custody, who herself does not have title, will be accepted as a valid claim on behalf of the child or children.

(b) The provisions of § 2.1027 of this chapter are for application under any law authorizing the payment of death pension or death compensation where the claim is based upon service rendered

on or after April 21, 1898. (Sec. 1, Pub. Law 144, 78th Cong.)

(c) For the purposes of any law authorizing the payment of death pension or death compensation based on service rendered on or after April 21, 1898, new and material evidence relating to the same factual basis as that of a finally disallowed claim shall be accepted as a claim in determining the commencing date of an award, when such evidence or accompanying communication meets the requirements of an informal claim. (§ 35.021 of this chapter and sec. 1, Pub. Law 144, 78th Cong.) See §§ 3.1201 and 3.1205 of this chapter.

CROSS REFERENCE: Appeals. See § 35.022 and §§ 3.1328 to 3.1333 of this chapter.

CROSS REFERENCE: Execution of papers in a foreign country. See § 2.1032 of this chapter.

CROSS REFERENCE: Written and oral testimony to be under oath; administration of oath by employees. See § 2.1030 of this chapter.

[R. S. 471, Sec. 1, 17 Stat. 566, 567, Secs. 1, 2, 27 Stat. 272, Sec. 5, 43 Stat. 608, Secs. 1, 2, 46 Stat. 1016, Secs. 7, 9, 20, 48 Stat. 9, 10, 309, 38 U. S. C. 2, 11, 11a, 42, 43, 151, 426, 707, 709, 722] (48 Stat. 8, 509, 57 Stat. 554, 60 Stat. 908)

[SEAL]

OMAR N. BRADLEY,

General, U. S. Army,

Administrator of Veterans Affairs.

APRIL 15, 1947.

[F. R. Doc. 47-3810; Filed, Apr. 21, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 26]

OFFICIAL GRAIN STANDARDS OF UNITED STATES FOR SOYBEANS

NOTICE OF HEARINGS ON PROPOSED AMENDMENTS

Notice is hereby given that consideration is being given to amending in several respects the official grain standards of the United States for soybeans (7 CFR and Cum. Supp. 26.601), promulgated under the authority and provisions of the United States Grain Standards Act, 1916, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.).

Consideration is being given to proposals that (1) the maximum limits for splits should be increased 5 percent in grade No. 2, 5 or 10 percent in grade No. 3, and 10 percent in grade No. 4; (2) the definition for soybeans should be amended to fix a maximum limit for splits; (3) the maximum limits for damaged kernels of soybeans and other grains should be increased not more than 1 percent in grade No. 1, not more than 2 percent in grade No. 2, not more than 3 percent in grade No. 3, and not more than 7 percent in grade No. 4; (4) the maximum limits for foreign material other than dockage should be increased not more than 1 percent in grade No. 1, not more than 2 percent in grade No. 2, not more than 4 percent in grade No. 3, and not more than 5 percent in grade No. 4; (5) moisture content should be discontinued as a numerical grading factor and in lieu thereof a new special grade "Tough" be promulgated for soybeans containing 14 percent or more moisture; (6) soybeans with green seed coats which are yellow, or have a yellow tinge, in cross section should be included in the class "Yellow Soybeans"; (7) 10 percent of other classes should be permitted in classes "Yellow Soybeans" and "Green Soybeans"; (8) 5 percent of Brown, Black, or bicolored soybeans,

singly or combined, shall be permitted in grade No. 2 of the classes "Yellow Soybeans" and "Green Soybeans"; and (9) the definition for splits be amended to include all pieces of kernels of soybeans.

Consideration is being given also to minor changes in language intended to simplify and clarify the standards.

Informal hearings will be held at Toledo, Ohio; Peoria and Chicago, Illinois; and Cedar Rapids, Iowa; at which interested persons may present their views and opinions orally with respect to the desirability of promulgating the proposed amendments. The time and place of each such hearing will be as follows:

May 12, 2:00 p. m., 3d Floor, Produce Exchange Building, Toledo, Ohio.

May 13, 2:00 p. m., Trading Floor, Peoria Board of Trade Building, Peoria, Illinois.

May 14, 2:00 p. m., Room 660, Board of Trade Building, Chicago, Illinois.

May 15, 2:00 p. m., Assembly Room, Chamber of Commerce Building, Cedar Rapids, Iowa.

Interested persons may submit written data, views, or arguments to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than May 29, 1947.

Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received not later than May 29, 1947, and to all other information available in the United States Department of Agriculture before a decision is made as to whether or not any amendments to the official grain standards of the United States for soybeans shall be promulgated.

Robert H. Black, Grain Branch, Production and Marketing Administration, is hereby designated to conduct the hearings held pursuant to this notice.

Issued this 16th day of April 1947.

[SEAL]

RALPH S. TRIGG,
Acting Administrator.

[F. R. Doc. 47-3815; Filed, Apr. 21, 1947; 8:46 a. m.]

[7 CFR, Part 26]

OFFICIAL GRAIN STANDARDS OF UNITED STATES FOR SOYBEANS

NOTICE OF HEARINGS ON PROPOSED AMENDMENT

Notice is hereby given that consideration is being given to amending regulations under the United States Grain Standards Act (7 CFR and Cum. Supp. 26.1) promulgated under the authority and provisions of the United States Grain Standards Act, 1916, as amended (39 Stat. 482, 485; 54 Stat. 765; 7 U. S. C. 71 et seq.).

Consideration is being given to a proposal that the moisture content of soybeans shall be stated in whole and half percents instead of whole and tenth percents when moisture content is a grading factor. Consideration is also being given to a proposal that licensed inspectors shall be required to state the moisture content on all certificates of grade issued for soybeans, except for export shipments.

Informal hearings will be held at Toledo, Ohio; Peoria and Chicago, Illinois; and Cedar Rapids, Iowa; at which interested persons may present their views and opinions orally with respect to the desirability of promulgating the proposed amendment. The time and place of each such hearing will be as follows:

May 12, 2:00 p. m., 3d Floor, Produce Exchange Building, Toledo, Ohio.

May 13, 2:00 p. m., Trading Floor, Peoria Board of Trade Building, Peoria, Illinois.

May 14, 2:00 p. m., Room 660 Board of Trade Building, Chicago, Illinois.

May 15, 2:00 p. m., Assembly Room, Chamber of Commerce Building, Cedar Rapids, Iowa.

Interested persons may submit written data, views, or arguments to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than May 29, 1947.

Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received not later than May 29, 1947, and

to all other information available in the United States Department of Agriculture before a decision is made as to whether or not the proposed amendment to the regulations under the United States Grain Standards Act shall be promulgated.

Robert H. Black, Grain Branch, Production and Marketing Administration, is hereby designated to conduct the hearings held pursuant to this notice.

Issued this 16th day of April 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator.

[F. R. Doc. 47-3814; Filed, Apr. 21, 1947;
8:46 a. m.]

17 CFR, Ch. IX]

[Docket No. AO-181]

HANDLING OF MILK IN ST. JOSEPH, MISSOURI, MARKETING AREA

PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held in the Federal Building at St. Joseph, Missouri, beginning at 10 a. m., c. s. t., May 19, 1947, with respect to a proposed marketing agreement and order regulating the handling of milk in the St. Joseph, Missouri, marketing area. The proposals have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed marketing agreement and order, or to any modifications thereof which are hereinafter set forth.

The St. Joseph Milk Producers Association, Inc., has proposed the following marketing agreement and order.

SECTION 1. Definitions. The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937) 7 U. S. C. 601 et seq.), as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(c) "St. Joseph, Missouri, marketing area" hereinafter called "marketing area" means all the territory in Buchanan County, Missouri, Jefferson Township in Andrew County, Missouri and Doniphan County, Kansas.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who, under a dairy farm permit or rating issued by the health authorities of the City of St. Joseph for the production of milk to be used for consumption as milk or cream in the marketing area produces milk which is (1) purchased or received at an approved plant, or (2) caused to be diverted from the farm of such person to an unapproved plant by a cooperative association for the account of such association.

(f) "Handler" means (1) any person who operates an approved plant from which Class I milk or Class II milk is disposed of in the marketing area, or (2) any cooperative association, with respect to the milk of any producer, which such cooperative association causes to be diverted to the plant of a handler or to the plant of a non-handler for the account of such cooperative association.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler. A producer who processes and packages milk of his own production shall not be considered a producer-handler if his entire output is disposed of to other handlers who purchase or receive milk in bulk from producers.

(h) "An approved plant" means any milk plant approved by health authorities of the City of St. Joseph, Missouri, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area, and currently used for any or all of the function of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

(i) "Producer milk" means all milk produced by a producer other than a producer-handler, which is purchased or received by a handler either directly from such producers or from other handlers.

(j) "Other source milk" means all milk and milk products other than producer milk.

(k) "Market Administrator" means the person designated pursuant to section 2 as the agency for the administration hereof.

(l) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(m) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members and (2) to have and to be exercising full authority in the sale of milk of its members.

SEC. 2. Market Administrator—(a) Designation. The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) **Powers.** The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violation of the provisions hereof; and

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(c) **Duties.** The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by section 10, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other persons as the Secretary may designate;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to section 3 or (ii) made payments pursuant to section 8; and

(5) Promptly verify the information contained in the reports submitted by handlers.

SEC. 3. Reports of handlers—(a) Periodic reports. On or before the 5th day after the end of each delivery period, each handler who purchased or received milk from sources other than his own production, or other handlers shall with respect to milk or dairy products which were purchased, received, or produced by such handler during such delivery period report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant of milk from each producer, the butterfat content, and the number of days on which milk was received from each producer;

(2) The receipts from such handler's own farm production and the butterfat content;

(3) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers and the butterfat content;

(4) The receipts of other source milk;

(5) The respective quantities of milk and milk products and the butterfat content which were sold, distributed, or used, including sales to other handlers for the purpose of classification pursuant to section 4;

(6) The sales of milk and Class II products outside the marketing area, listing

the market or area in which such milk and such Class II products were sold or disposed of, the date of such sale or disposition, and the plant from which such milk and milk products were supplied;

(7) Such other information with respect to the use of milk as the market administrator may request.

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer: (1) The daily and total pounds of milk delivered and the average butterfat content thereof and (2) the net amount of such handler's payment to such producer with the prices, deduction, and charges involved.

(c) *Reports of producer-handlers and handlers whose sole source of supply is from other handlers.* Producer-handlers and handlers whose sole source of supply is from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representatives such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk and milk products, and in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in section 8.

SEC. 4. Classification of milk—(a) Milk to be classified. All milk and milk products purchased or received by each handler at his approved plant shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (c) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk and bottled skim milk disposed of in the form of milk, skim milk, buttermilk, and flavored milk drinks, and unaccounted for butterfat in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers converted to a 3.8 percent milk equivalent, except such milk as is classified as Class II milk and as Class III milk pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream, other than for use in products specified in subparagraph (3) of this paragraph, creamed cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent of butterfat, aerated cream, and eggnog.

(3) Class III milk shall be all milk used to produce butter, cheese, (other than creamed cottage cheese), evaporated milk, condensed milk, ice cream, and powdered whole milk; used for starter churning, wholesale baking and candy making purposes; accounted for as salvage from products where the recovery of fat is impossible; and not accounted for but not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers.

(c) *Transfers of milk, skim milk, and cream.* (1) Milk or skim milk sold or disposed of in fluid form by a handler to a plant of a nonhandler who distributes fluid milk shall be Class I unless all of the following conditions are met: (i) Such nonhandler's plant is located less than 100 miles from the approved plant where such milk was received from producers; (ii) the market administrator is permitted to audit the records of such nonhandler; (iii) the receipts of producer milk at approved plants are greater than the total sales of Class I and Class II milk from handlers' routes in the marketing area; and (iv) such nonhandler receives milk from dairy farmers who the market administrator determines constitute such nonhandlers' regular source of supply.

If all the above conditions are met the market administrator shall classify such milk as follows: (a) Determine the use of all milk and all milk products received at the plant of such nonhandler, and (b) allocate the milk disposed of by the handler to such nonhandler to the highest use remaining after subtracting in series beginning with the highest use classification receipts of milk by such nonhandler direct from dairy farmers.

(2) Cream sold or disposed of in fluid form by a handler to a plant of a nonhandler who distributes fluid cream shall be Class II unless all of the following conditions are met: (i) Such nonhandler's plant is located less than 100 miles from the approved plant where such milk was received from producers; (ii) the market administrator is permitted to audit the records of such nonhandler; (iii) the receipts of producer milk at approved plants are greater than the total sales of Class I and Class II milk from handlers' routes in the marketing area; and (iv) such nonhandler receives milk from dairy farmers who the market administrator determines constitute such nonhandler's regular source of supply.

If all the above conditions are met the market administrator shall classify such milk as follows: (a) Determine the use of all milk and all milk products received at the plant of such nonhandler; and (b) allocate the cream disposed of by the handler to such nonhandler to the highest use remaining after subtracting in series beginning with the highest use classification receipts of milk by such nonhandler direct from dairy farmers.

(3) Milk, skim milk or cream sold or disposed of by a handler to a plant of a nonhandler who does not distribute fluid milk or cream shall be Class III milk.

(4) Milk or skim milk sold or disposed of in fluid form by a handler, who purchases or receives milk from producers to another handler who purchases or receives milk from producers, shall be Class I milk: *Provided*, That if the amount of such milk so sold or disposed of is in excess of the amount classified as Class I at such purchasing handler's plant, such excess milk shall be classified in series beginning with the next highest class in which such purchasing handler has use: *Provided*, That if either or both handlers have purchased other source milk, such milk so sold or disposed of, shall be classified at both plants so as to return the highest class utilization to producer milk.

(5) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler who purchases or receives milk from producers shall be Class II: *Provided*, That if the amount of such cream so sold or disposed of is in excess of the amount classified as Class II in such purchasing handler's plant such excess cream shall be classified in the next highest class in which such purchasing handler has use: *Provided*, That if either or both handlers have purchased other source milk such cream so sold or disposed of shall be classified at both plants so as to return the highest class utilization to producer milk.

(6) Milk or skim milk sold or disposed of in fluid form by a handler who purchases or receives milk from producers to a producer-handler or to a handler who purchases or receives no milk from producers shall be Class I milk.

(7) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to a producer-handler or to a handler who purchases or receives no milk from producers shall be Class II milk.

(d) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in paragraph (b) of this section of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(e) *The allocation of other source milk.* Other source milk purchased or received at an approved plant of a handler who purchases or receives milk from producers shall be allocated to Class III except that other source milk may be allocated to Class II to the extent that Class II milk exceeds the amount of all producer milk classified as Class II milk, and other source milk may be allocated to Class I only to the extent that the total amount of Class I milk of the handler exceeds the total amount of producer milk received by such handler.

(f) *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market admin-

istrator, the amount of milk in each class as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk received as follows: add together the total pounds of milk received from (i) producers, (ii) own farm production, (iii) other handlers, and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: (i) multiply by its average butterfat test the weight of the milk received from (a) producers, (b) own farm production, (c) other handlers, and (d) other sources, and (ii) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, (ii) multiply the result by the average butterfat test of such milk, and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to subparagraph (4) (ii) and subparagraph (5) (iv) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subdivision (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average test, (ii) add together the resulting amounts, and (iii) divide the result obtained in subdivision (ii) of this subparagraph by 3.8 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (ii) add together the resulting amounts, (iii) subtract from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, the total pounds of butterfat in Class I milk, computed pursuant to subparagraph (3) (ii) of this paragraph, the total pounds of butterfat in Class II milk, computed pursuant to subparagraph (4) (ii) of this paragraph and the total pounds of butterfat computed pursuant to subdivision (ii) of this subparagraph which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat except receipts from other handlers), (iv) add together the results obtained in subdivisions (ii) and (iii) of this subparagraph and (v) divide the result obtained in subdivision (iv) of this subparagraph by 3.8 percent.

(6) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the pounds of producer milk which were received from other handlers and used in such class.

(ii) Subtract from the remaining pounds of milk in each class the pounds of other source milk allocated to such class pursuant to paragraph (e) of this section.

(g) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the several classes as computed pursuant to paragraph (f) (6) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to paragraph (c) of section 6, such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (f) (6) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (f) (6) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk for such handler by subtracting in series beginning with the lowest class use of such handler an amount equal to the difference between receipts of milk from producers and the total utilization of milk by classes for such handler.

SEC. 5. Minimum prices—(a) *Class prices.* Subject to the differentials set forth in paragraphs (c) and (d) of this section, each handler shall pay producers, at the time and in the manner set forth in section 8, for milk purchased or received from them not less than the following prices:

(1) *Class I milk.* The price per hundredweight of Class I milk during each delivery period shall be the price determined pursuant to paragraph (b) of this section, plus 75 cents.

(2) *Class II milk.* The price per hundredweight of Class II milk during each delivery period shall be the price determined pursuant to paragraph (b) of this section, plus 50 cents.

(3) *Class III milk.* The price per hundredweight of Class III milk during each delivery period shall be the highest price ascertained by the market administrator to have been quoted for ungraded milk of 3.8 percent butterfat content received during such delivery period by any of the following plants:

Center Milk Products Co., Maryville, Mo.
Beatrice Foods Co., St. Joseph, Mo.
Western Dairy & Ice Cream Co., St. Joseph, Mo.
Hy-Klass Food Products Co., St. Joseph, Mo.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices, set forth in this section, per hundredweight of milk as computed and announced by the market administrator on or before the 5th day of the delivery period shall be the arithmetical average of the prices per hundredweight reported to the United States Department of Agriculture as being paid all farmers for milk of 3.5 percent butterfat content

delivered f. o. b. plant during the immediately preceding delivery period at the following plants and places:

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and multiplied by 3.8, but in no event shall such basic formula price to be used be less than the following: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the immediately preceding delivery period, and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (1) Add $3\frac{1}{2}$ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above $5\frac{1}{2}$ cents per pound or (2) subtract $3\frac{1}{2}$ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below $5\frac{1}{2}$ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the immediately preceding delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event such price shall be subject to the following adjustments: (i) Add $3\frac{1}{2}$ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above $7\frac{1}{2}$ cents per pound or (ii) subtract $3\frac{1}{2}$ cents per hundredweight for each full one-half cent that such price of dry skim milk is below $7\frac{1}{2}$ cents per pound.

(c) *Butterfat differential.* If the average butterfat content of milk purchased or received from producers by any handler during any delivery period is more or less than 3.8 percent, there shall be added or subtracted per hundredweight of such milk for each one-tenth of 1 percent above or below 3.8 percent an amount equal to the Class III price for such delivery period, divided by 38.

Sec. 6. Application of provisions. (a) The provisions of sections 4, 7, 8, 9 and 10 shall not apply to a producer-handler or to a handler whose sole source of supply is from other handlers.

(b) If a handler has purchased or received other source milk the market administrator, in determining the net pool obligation of the handler pursuant to paragraph (a) of section 7, shall consider such milk as Class III milk. If the receiving handler sells or disposes of such milk for other than Class III purposes, the market administrator shall add an amount equal to the difference between (1) the value of such milk according to its utilization by the handler, and (2) the value at the Class III price. (This provision shall not apply if Association is not in position to supply producers milk.)

(c) If a handler, after subtracting receipts from other handlers and receipts of other source milk, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator, in determining the net pool obligation of the handler pursuant to paragraph (a) of section 7, shall add an amount equal to the value of milk or butterfat according to its utilization by the handler.

(d) Milk which is caused to be diverted by a handler directly from producers' farms to an approved plant of another handler for not more than 5 days during any delivery period shall be considered an interhandler transfer of milk, and shall be reported by the handler who caused such milk to be diverted, as though the milk had first been received at such handler's plant.

Sec. 7. Determination of uniform price to producer.—(a) *Net pool obligation of handlers.* Subject to the provisions of section 6, the net pool obligation of each handler for milk received during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows:

(1) Multiply the pounds of milk in each class computed pursuant to section 4 by the class prices set forth in section 5 and add together resulting values;

(2) Add, if the average butterfat content of all milk purchased or received from producers is more than 3.8 percent, or deduct if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, an amount equal to the total value of the butterfat differential applicable pursuant to paragraph (c) of section 5.

(3) Add an amount equal to the total values pursuant to paragraphs (b) and (c) of section 6; and

(4) Deduct, if the average butterfat content of all milk purchased or received from producers is more than 3.8 percent, and add, if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to paragraph (c) of section 8.

(b) *Computation and announcement of the uniform price.* The market administrator shall compute and announce

the uniform price per hundredweight for milk purchased or received from producers during each delivery period in the following manner:

(1) Combine into one total the net pool obligation computed pursuant to paragraph (a) of this section of all handlers who made the reports prescribed by section 3 and who made the payments prescribed by section 8 for the previous delivery period;

(2) For each of the delivery periods of May, June and July, subtract an amount equal to 20 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations, to be retained in the producer-settlement fund for the purpose specified in paragraph (f) (2) of section 8;

(3) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(4) Divide by a figure equal to the total hundredweight of milk received by handlers from producers and included in these computations;

(5) Subtract from the figures computed pursuant to subparagraph (4) of this paragraph not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for the milk of producers containing 3.8 percent butterfat; and

(6) On or before the 8th day after the end of such delivery period, mail to all handlers (i) such of these computations as do not disclose information confidential pursuant to the act; (ii) the uniform price per hundredweight computed pursuant to this subparagraph; (iii) the prices for Class I milk, Class II milk and Class III milk; and the butterfat differentials computed pursuant to paragraph (c) of section 5 and paragraph (c) of section 8.

Sec. 8. Payments for milk.—(a) *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler, after deducting the amount of the payment made pursuant to paragraph (b) of this section, and subject to the differentials set forth in paragraph (c) of this section, shall make payment to producers at the uniform price per hundredweight computed pursuant to paragraph (b) of section 7 for the total quantity of milk received from producers: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this subparagraph.

(b) *Half-delivery period payments.* On or before the 23d day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery

period, was received by such handler: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this subparagraph.

(c) *Butterfat differential.* If during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler, in making the payments prescribed in paragraph (a) of this section, shall add to the prices per hundredweight for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: add 4 cents to the average price of #2-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and divide the resulting sum by 10.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (e) and (g) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (f) and (g) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum required to be paid producers pursuant to this section by such handler, and shall enter such amount on such handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

(e) *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period, each handler shall make payment to the market administrator of any pool debit balance shown on the account rendered pursuant to paragraph (d) of this section for such delivery period.

(f) *Payments out of the producer-settlement fund.* (1) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered pursuant to paragraph (d) of this section for such delivery period, less any unpaid obligations of the handler. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uni-

formly such payments and shall complete such payments as soon as the necessary funds are available. No handler, who, on the 12th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his total payments uniformly to all producers by not more than the amount of the reduction in payment from the producer-settlement fund. Nothing in this paragraph shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

(2) On or before the 15th day after the end of each of the delivery periods of October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: divide one-third of the total amount held pursuant to paragraph (b) (2) of section 7 by the hundredweight of producer milk received during the delivery period (October, November, or December, as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided*, That payment under this subparagraph due any producer who has given authority to a cooperative association which is qualified pursuant to paragraph (b) of section 9 to receive payments for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payment.

(g) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (e) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billings, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (f) of this section, the market administrator shall, within 5 days, make such payment to such handler or offset any such payment due any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer, for milk purchased or received by such handler, discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payments to producers next following such disclosures.

(h) *Statements to producers.* In making payments to producers as prescribed in paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (a) and (c) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and section 9 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

SEC. 9. Marketing service—(a) *Deduction for marketing service.* Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight from the payments made to each producer other than himself pursuant to paragraph (a) of section 8 with respect to all milk of each producer purchased or received by such handler during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such monies shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made pursuant to paragraph (a) of section 8, which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members.

SEC. 10. Expense of administration—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler who purchased or received milk from producers, with respect to all milk received from producers during the delivery period, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, or such lesser amount as the Secretary may from time to time prescribe.

The Dairy Branch, Production and Marketing Administration, has proposed the following provisions:

SEC. 11. Effective time, suspension, or termination—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order, or any provision hereof, whenever he finds that this order, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which require further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 12. Separability of provisions. If any provisions hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

SEC. 13. Agents. The Secretary may, by designation in writing name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

The St. Joseph milk distributors have proposed the following provisions:

1. In place of paragraph (c) of section 1 of the above proposed marketing agreement and order substitute the following:

(c) "St. Joseph marketing area," hereinafter called the "marketing area," means all the territory in Buchanan County, Missouri, Jefferson Township and Nodaway Township, both in Andrew County, Missouri, and Doniphan County, Kansas.

2. In place of paragraphs (e) and (f) of section 1 of the above proposed marketing agreement and order substitute the following:

(e) "Producer" means any person, except a producer-handler, having certifi-

cation issued by the appropriate health authority in the marketing area to produce milk for disposition within the marketing area in the form of fluid milk.

(f) "Handler" means (1) any person, including any cooperative association, who operates a milk plant from which a route is operated wholly or partially within the marketing area; (2) any cooperative association which operates a milk plant at which milk is received from producers. This definition shall include a cooperative association with respect to the milk of any producer which it causes to be diverted from a plant from which milk is disposed of as Class I milk in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

3. Add to section 5 of the above proposed marketing agreement and order the following:

(d) *Sales outside the marketing area.* The price to be paid by handlers for Class I milk disposed of outside the marketing area shall be 23 cents per hundredweight less than the Class I price.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: April 17, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-3813; Filed, Apr. 21, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 5]

PEORIA UNION STOCK YARDS CO.

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on December 18, 1946, issued an order (5 A. D. 877) providing for certain temporary rates and charges for the respondent stockyard company and for the continuation of certain temporary rates and charges of the respondent company then in effect for a period ending May 31, 1947.

By petition filed on April 11, 1947, the respondent has requested that the said temporary rates and charges of the respondent stockyard company be extended and made effective until May 31, 1948.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the hearing clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 16th day of April 1947.

[SEAL]

H. E. REED,
Director,
Livestock Branch.

[F. R. Doc. 47-3816; Filed, Apr. 21, 1947; 8:47 a. m.]

No. 79—2

CIVIL AERONAUTICS BOARD

[Docket No. 2841]

ADDITIONAL AIRMAIL SERVICE FOR HAWAII

NOTICE OF HEARING

In the matter of the certification by the Postmaster General of the additional needs of the postal service for the transportation of mail by aircraft in Hawaii filed pursuant to section 401-n of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 24, 1947, at 10:00 o'clock, a. m., eastern standard time, in Room 1302, Temporary Building "T", 14th St. and Constitution Ave., N. W., Washington, D. C., before Examiner F. A. Law, Jr. Without limiting the scope of the issues presented by said certification, particular attention will be directed to the following needs and questions:

1. Whether the proposed additional mail service is required by the public convenience and necessity.

2. Whether the present airlines serving the points involved, except with respect to mail is fit, willing and able to perform the transportation proposed by the Postmaster General and conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

Notice is further given that any person desiring to be heard in this proceeding shall file with the Board, on or before April 24, 1947, a statement setting forth the issues of fact or law raised in said proceeding, which he desires to controvert. For further details of the service proposed, the authorization requested, interested parties are referred to the statement and certificate of the Postmaster General on file with the Civil Aeronautics Board in the above-designated docket.

Dated at Washington, D. C., April 17, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3808; Filed, Apr. 21, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 7949]

BENDIX AVIATION CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of Bendix Aviation Corporation for construction permit for an experimental Class 2 portable radio station for developing and testing an automatic warning system for oil field pumping equipment. File No. 3533-FE-B, Docket No. 7949.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of April 1947,

The Commission, having under consideration the application of Bendix Aviation Corporation (File No. 3533-FE-B) for a construction permit for an Experimental Class 2 portable radio station for developing and testing an automatic warning system for oil field pumping equipment; and

It appearing, that this application presents various questions concerning the technical qualifications of the applicant and the most efficient use of available radio frequencies;

It is ordered, That the above-entitled application be, and it is hereby designated for hearing, pursuant to section 309 (a) of the Communications Act of 1934, as amended, upon the following issues:

1. To determine whether the applicant is qualified to be the licensee of the Experimental Class 2 station proposed in its application.

2. To determine the nature, extent and purpose of the operations proposed to be conducted by the applicant.

3. To determine whether additional experimentation is necessary in the development and testing of the applicant's automatic warning system for oil field pumping equipment.

4. To obtain full information with respect to the feasibility of rendering the proposed service by means other than radio.

5. To determine whether a grant in the 72-76 Mc band would be consistent with the Commission's general allocation plan.

6. To obtain full information with respect to availability of equipment for operation in the 940-960 Mc band.

7. To determine whether a grant of interim operation in the 72-76 Mc band as proposed by the applicant would or would not be conducive to the development of the service in accordance with the Commission's allocation plan.

8. To determine whether the proposed operation in the 72-76 Mc band would result in objectionable interference to or from stations authorized, or which may be authorized, pursuant to the Commission's report of allocations above 25 Mc dated May 25, 1945, and the Commission's frequency service allocations dated July 19, 1946.

It is further ordered, That any person desiring to intervene herein shall petition therefor pursuant to § 1.388 of the Commission's rules and regulations; and

It is further ordered, That upon the filing of a notice of appearance herein by the applicant on or before April 28, 1947, the hearing on the foregoing application shall commence on a date to be determined at the offices of the Commission, Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3839; Filed, Apr. 21, 1947;
8:48 a. m.]

[Docket Nos. 8029 and 8286]

MID-CAROLINA BROADCASTING CO. AND T.
JULIAN SKINNER, JR.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mid-Carolina Broadcasting Company, Salisbury, North Carolina, Docket No. 8029, File No. BP-5322; T. Julian Skinner, Jr., Charlotte, North Carolina, Docket No. 8286, File No. BP-5817; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947:

The Commission having under consideration the above-entitled applications of Mid-Carolina Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on the frequency 940 kc, with 1 kw power, daytime only, at Salisbury, North Carolina, and that of T. Julian Skinner, Jr., requesting a construction permit for such a station at Charlotte, North Carolina to operate on the frequency 930 kc, with 1 kw power, unlimited time, using a directional antenna day and night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of

1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of the proposed stations, or either of them, would involve objectionable interference with the Canadian station CFBC, St. Johns, New Brunswick, and Cuban station CMKN, Santiago de Cuba, or any other foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent thereof.

8. To determine, on a comparative basis which, if either, of the applications in this proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3845; Filed, Apr. 21, 1947;
8:49 a. m.]

[Docket Nos. 8179 and 8180]

BLACKHAWK BROADCASTING CO. AND WTAX,
INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Blackhawk Broadcasting Company, Sterling, Illinois,

Docket No. 8179, File No. BP-5409; WTAX, Inc. (WTAX), Springfield, Illinois, Docket No. 8180, File No. BP-5583; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947:

The Commission having under consideration the above-entitled applications of Blackhawk Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w power, unlimited time, at Sterling, Illinois, and WTAX, Inc., requesting a construction permit to change the facilities of Station WTAX, Springfield, Illinois from 1240 kc, 100 w power, unlimited time to 1240 kc, 250 w power, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed station and Station WTAX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and Station WTAX as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station WTAX as proposed would involve objectionable interference with Stations WSBC, WEDC and WCRW, Chicago, Illinois; WQUA, Moline, Illinois; KBIZ, Ottumwa, Iowa; KWLC and KDEC, Decorah, Iowa; WIBU, Poynette, Wisconsin; WHBF, Rock Island, Illinois; WJBC, Bloomington, Illinois; KFMO, Flat River, Missouri; WEBQ, Harrisburg, Illinois; and KWOS, Jefferson City, Missouri, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and Station WTAX as proposed would involve objectionable interference, each with the others, or with the services proposed in the pending application of Rock Island Broadcasting Company (WHBF) (File No. BML-1246) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed station and Station WTAX as proposed would be in compliance with the Com-

mission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Julius Miller, Oscar Miller, Bertha L. Miller, Gertrude Miller and Arnold B. Miller, d/b as Radio Station WSBC, licensee of Station WSBC, Chicago, Illinois; Emil Denmark, Incorporated, licensee of Station WEDC, Chicago, Illinois; Clinton R. White, licensee of Station WCRW, Chicago, Illinois; Moline Broadcasting Corporation, licensee of Station WQUA, Moline, Illinois; KBIZ, Incorporated, licensee of Station KBIZ, Ottumwa, Iowa; Luther College, licensee of Station KWLC, Decorah, Iowa; Telegraph Herald, permittee of a construction permit for a new standard broadcast station, KDEC, Decorah, Iowa; William C. Forrest, licensee of Station WIBU, Poynette, Wisconsin; Rock Island Broadcasting Company, licensee of Station WHBF, Rock Island, Illinois; Bloomington Broadcasting Corporation, licensee of Station WJBC, Bloomington, Illinois; Oscar C. Hirsch, permittee of a construction permit for a new standard broadcast station, KFMO, Flat River, Missouri; Harrisburg Broadcasting Company, licensee of Station WEBQ, Harrisburg, Illinois; and Capital Broadcasting Company, licensee of Station KWOS, Jefferson City, Missouri, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3838; Filed, Apr. 21, 1947;
8:48 a. m.]

[Docket No. 8250]

BOULDER CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Boulder City Broadcasting Company, Las Vegas, Nevada, for construction permit; Docket No. 8250, File No. BP-4942.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 920 kc, 1 kw, daytime only, at Las Vegas, Nevada;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, direc-

tors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KBNE at Boulder City, Nev., the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3844; Filed, Apr. 21, 1947;
8:49 a. m.]

[Docket No. 8278]

WESTERN UNION TELEGRAPH CO.

ORDER DESIGNATING APPLICATION FOR HEARING

In the matter of the application of The Western Union Telegraph Company, for an authorization under section 214 of the Communications Act of 1934, as amended; Docket No. 8278, File No. T-D-770; (Bellevue, Delphos, Lebanon, Marysville, Mount Gilead and Ottawa, Ohio).

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 10th day of April 1947;

The Commission, having under consideration the application filed under section 214 of the Communications Act of 1934, as amended, by The Western Union Telegraph Company, File No. T-D-770, for authority to discontinue its Class I-B telegraph offices at Bellevue, Del-

phos, Lebanon, Marysville, Mount Gilead and Ottawa, Ohio, with substitute service to be provided through teleprinter-operated agency offices to be established in each community and to be operated by local telephone companies under the management of the Telephone Service Company of Ohio; and

It appearing, that numerous communications have been received from the public both in opposition to, and in support of, a grant of the application;

It further appearing, that the present or future public convenience or necessity may be adversely affected by the conversion to agency operation as proposed in the application;

It is ordered, That pursuant to section 214 of the Communications Act of 1934, as amended, the above-described application of The Western Union Telegraph Company is designated for hearing, and that, with respect to each of the above-named points, the matters to be considered at such hearing shall include, but not be limited to, the following questions:

1. Whether the present or future public convenience or necessity will be adversely affected by the proposed replacement of Western Union operation with a telephone company-operated agency;

2. The character, quality, scope and adequacy of telegraph service, facilities, and personnel now provided through applicant's Class I-B office;

3. The character, quality, scope and adequacy of the telegraph service, facilities, and personnel which will be provided if the application is granted.

4. Comparison of the character, quality, scope, and adequacy of the proposed service, facilities, and personnel with those now being provided, with particular reference to any reduction, impairment, extension or improvement in service which may result from the proposed change;

5. The nature and extent of the requirements of local telegraph users for telegraph service, and the ability of the proposed telephone company-operated agency to meet such requirements;

6. The nature of the contractual arrangements between the applicant and its proposed agent, and the extent to which applicant will maintain control over the character, quality, scope, and adequacy of the telegraph service, facilities, and personnel to be provided by the agent, and over the availability of telegraph service to the public during specific hours;

7. The extent of any savings which will accrue to the applicant from the conversion of its Class I-B office to agency operation as proposed in the application and the weight to be given this factor in a determination upon the application;

8. The extent to which the proposed conversion to agency operation may result in either a diminution or increase in the use of telegraph service;

9. The nature of the proposed plan, referred to in paragraph (h) of the application, to provide physical representation and make available twenty-four hour telegraph service for telephone subscribers through telephone-operated agency offices at 115 communities adjacent to the six communities referred to

above, and the extent to which the public may benefit from such plan in the event it is consummated;

It is further ordered, That The Western Union Telegraph Company is made a party respondent to this proceeding, and that a copy hereof shall be served upon it;

It is further ordered, That a copy hereof shall be served upon the Secretary of War, the Secretary of the Navy, the Governor and Public Utilities Commission of the State of Ohio, the National Association of Railroad and Utilities Commissioners; the Commercial Telegraphers' Union—A. F. L., the Mayors of Bellefontaine, Delphos, Lebanon, Marysville, Mt. Gilead, and Ottawa, Ohio, and the Telephone Service Company of Ohio, and each of the above parties is given leave to intervene and participate fully in the proceedings herein; and that a copy hereof shall also be served upon each of the other persons who have communicated to the Commission their interest in this application;

It is further ordered, That this proceeding is assigned for hearing, to begin at 10:00 a. m. on the 14th day of May 1947, in Mt. Gilead, Ohio, at a location to be hereafter designated.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3846; Filed, Apr. 21, 1947;
8:49 a. m.]

[Docket 8280]

WILMINGTON TRI-STATE BROADCASTING
CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Wilmington Tri-State Broadcasting Company, Inc., Wilmington, Delaware, for construction permit; Docket No. 8280, File No. BP-5873.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 650 kc, with 250 w power, daytime only, at Wilmington, Delaware;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Wilmington Tri-State Broadcasting Company, Inc., be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character

of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WNBC, New York, New York, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That National Broadcasting Company, Inc., licensee of Station WNBC, New York, New York, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3837; Filed, Apr. 21, 1947;
8:48 a. m.]

[Docket No. 8281]

WESTERN ILLINOIS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Western Illinois Broadcasting Company, Jacksonville, Illinois, for construction permit; Docket No. 8281, File No. BP-5478.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1550 kc, 250 w power, daytime only, at Jacksonville, Illinois, together with the petition of Fulton County Broadcasting Company, permittee of Station WBYS, Canton, Illinois, alleging that a grant of the above application would cause objectionable interference to the operation of said station WBYS and requesting that said application be designated for hearing and that petitioner be made a party to such hearing;

It is ordered, That the petition of Fulton County Broadcasting Company be, and it is hereby, granted; and

It is further ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Western Illinois Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WBYS, Canton, Illinois or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Fulton County Broadcasting Company, permittee of Station WBYS, Canton, Illinois, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3840; Filed, Apr. 21, 1947;
8:43 a. m.]

[Docket Nos. 8282, 8283, and 8284]

NORTHEAST RADIO, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Northeast Radio, Inc., Lawrence, Massachusetts, Docket No. 8283, File No. BP-5302; Viking Broadcasting Company, Newport, Rhode Island, Docket No. 8284, File No. BP-5953; Troy Broadcasting Company, Inc. (WTRY), Troy, New York, Docket No. 8282, File No. BP-4591; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947,

The Commission having under consideration the above-entitled applications of Northeast Radio, Inc., requesting a construction permit for a new standard broadcast station to operate on 980 kc, 1 kw power, daytime only, at Lawrence, Massachusetts, Viking Broadcasting Company, requesting the same facilities at Newport, Rhode Island, and Troy Broadcasting Company, Inc. (WTRY), presently operating on 980 kc, 1 kw, unlimited time, using a directional antenna, to increase power to 5 kw, to change the location of its transmitter, and to make changes in its directional antenna array,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicants Northeast Radio, Inc., and Viking Broadcasting Co., their respective officers, directors and stockholders to construct and operate their proposed station, and the technical, financial and other qualifications of the applicant Troy Broadcasting Company, Inc., its officers, directors and stockholders, to construct and operate Station WTRY as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations or any one of them would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations proposed by the applicants would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3842; Filed, Apr. 21, 1947;
8:49 a. m.]

[Docket No. 8285]

NORTH JERSEY BROADCASTING CO., INC.
(WPAT)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of North Jersey Broadcasting Co., Inc. (WPAT), Paterson, New Jersey, for construction permit; Docket No. 8285, File No. BP-4613.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947:

The Commission having under consideration the above-entitled application of North Jersey Broadcasting Co., Inc., requesting a construction permit to authorize station WPAT, Paterson, New Jersey, to operate unlimited time on the frequency 930 kc with 5 kw power, using a directional antenna day and night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WPAT as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WPAT as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WPAT as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WPAT as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WPAT as proposed would be in compliance with the Commission's rules and Standards of

Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of station WPAT as proposed would involve objectionable interference with the Canadian station CFBC, St. Johns, New Brunswick, and the Cuban station CMKN, Santiago de Cuba, or with any other foreign broadcast station, as defined in the North American Broadcasting Agreement, and the nature and extent thereof.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3843; Filed, Apr. 21, 1947;
8:49 a. m.]

[Docket Nos. 8291, 8292, and 8293]

KEYSTONE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Keystone Broadcasting Company, Harrisburg, Pennsylvania, File No. BPH-183, Docket No. 8291; York Broadcasting Company, York, Pennsylvania, File No. BPH-184, Docket No. 8292; Reading Broadcasting Company, Reading, Pennsylvania, File No. BPH-522, Docket No. 8293; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of April 1947:

The Commission having under consideration the above-entitled applications for construction permits for new Class B FM broadcast stations; and

It appearing, that the Commission on March 10, 1947 designated for hearing in a consolidated proceeding the applications of WDEL, Inc., Wilmington, Delaware (File No. BPH-177, Docket No. 7834), and Wilmington Tri-State Broadcasting Company, Inc., Wilmington, Delaware (File No. BPH-1195, Docket No. 8234), each requesting a construction permit for a new class B FM broadcast station at Wilmington, Delaware.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding with the applications in the above-mentioned consolidated hearing to be heard at Wilmington, Delaware, commencing April 29, 1947 at 10 o'clock a. m. each upon the following issues:

1. To determine what overlap of service areas, if any, exists between the proposed station and any other existing or proposed stations owned, operated or controlled by the same interests as the proposed station, and whether such overlap, if any, is in contravention of § 3.240 of the Commission's rules and regulations.

2. To determine which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders heretofore issued in the proceeding on Dockets Nos. 7834 and 8234 be, and they are hereby amended to include the applications of the Keystone Broadcasting Company (File No. BPH-183), The York Broadcasting Company (File No. BPH-184) and the Reading Broadcasting Company (File No. BPH-522).

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3841; Filed, Apr. 21, 1947;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

APRIL 16, 1947.

Notice is hereby given that on March 26, 1947, Texas Eastern Transmission Corporation (Applicant), a Delaware corporation having its principal office in Houston, Texas, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to acquire, construct and operate the following described natural gas transmission facilities:

A. Facilities to be acquired and operated (which are the so-called "Big Inch" and "Little Big Inch" pipelines):

1. 1253.70 miles of 24-inch transmission pipeline originating at Longview, Texas, and extending to Phoenixville, Pennsylvania, together with approximately 20 miles of 20-inch lateral pipeline and approximately 29 miles of 16-inch, 14-inch, and 12-inch lateral pipeline extending from Phoenixville to Philadelphia, and to the oil refinery area in the vicinity of Chester and Marcus Hook, Pennsylvania; also, approximately 84 miles of 20-inch lateral pipeline extending to Linden, New Jersey.

2. 1,477 miles of 20-inch transmission pipeline originating at Beaumont, Texas, and extending to Linden, New Jersey, together with approximately .39 mile of 16-inch, 1.77 miles of 14-inch, 12.67 miles of 12-inch, 6.39 miles of 10-inch, 1.41 miles of 8-inch and 1.42 miles of 6-inch lateral pipelines extending from Linden, New Jersey to coastal refineries in that area.

3. 60 oil pump stations with an aggregate of 243,500 installed horsepower.

B. Facilities to be constructed and operated:

1. 2 miles of 8-inch pipe to Chester, Pennsylvania.

2. 12 miles of 8-inch pipe to West Conshohocken, Pennsylvania.

3. 13 miles of 8-inch pipe to Trenton, New Jersey.

4. 4 miles of 8-inch pipe to Central Works, New Jersey.

5. 1 mile of 10-inch pipe to Philadelphia Station A.

6. 8 miles of 10-inch pipe to Philadelphia Station B.

7. 23 miles of 12-inch pipe extending from Linden to Paterson, New Jersey.

8. 3 miles of 12-inch pipe to Jersey City, New Jersey.

9. 24 gas compressor stations with an aggregate of 122,000 installed horsepower in addition to three (3) compressor stations with an aggregate of 18,000 installed horsepower to be built under a temporary certificate issued in Docket No. C-880 by order dated March 21, 1947.

10. 31 loop lines at river crossings of 20-inch pipeline.

11. 30 loop lines at river crossings of 16-inch pipeline.

12. 63 additional main line 24-inch valves and 69 additional main line 20-inch valves.

The application describes the proposed project substantially as follows:

Applicant is a new corporation, recently organized for the purpose, among other things, of buying, constructing and operating the pipeline and facilities hereinbefore specified for the transportation of natural gas in interstate commerce from the Southwest to the Appalachian and Eastern Seaboard areas. Applicant has entered into a Letter of Intent with the War Assets Administration, dated February 25, 1947, for the purchase of the Big Inch and Little Big Inch pipeline properties. Applicant has entered into a Lease Agreement with Reconstruction Finance Corporation, dated March 12, 1947, for the lease of said properties commencing on May 1, 1947. Applicant proposes to operate the pipelines in the transmission of natural gas to the Appalachian area during the term of such lease. Thereafter, Applicant proposes to operate the pipelines for the transmission of natural gas to the Appalachian area and initially to the Eastern Seaboard areas of Philadelphia and New Jersey. In the Philadelphia and New Jersey areas, Applicant proposes to sell natural gas to gas distributing companies now distributing manufactured gas in these areas. It is anticipated that the natural gas supplied to these companies will be used principally to supplement the present supply through the enrichment and reforming of the manufactured gas product, and in this use, it will replace in part the oil which is now used for enriching. It is not contemplated that natural gas will replace coal nor reduce the amount of coal or coke consumed or used in the manufacture of artificial gas. It is contemplated that such distributing companies will do their own load-balancing, but if it is necessary for Applicant to make any interruptible sales for load-balancing purposes, it will undertake to make such sales to oil refineries on the Eastern Seaboard which are using oil as fuel. Applicant further states that at a later date it may request authority to extend and enlarge its system to serve the Baltimore, New York and New England areas.

Applicant has obtained a permit to do business in the State of Texas, and it will obtain permits to do business in the

States of Louisiana, Ohio, Pennsylvania, Maryland, New Jersey and New York.

The facilities sought to be acquired, constructed and operated are designed to deliver at the eastern terminal approximately 425,000,000 cubic feet of gas per day using all of the facilities described herein. The intake pressure will be approximately 750 pounds p. s. i. The pipelines will be operated as a looped system from Little Rock, Arkansas, to Linden, New Jersey, and this will require tying the lines together at river crossings and at compressor stations.

Applicant proposes to purchase its gas requirements from sources within economic gas pipeline gathering distances from the termini of its lines, or from other sources located along the lines within economic reach thereof, with particular reference to purchases from independent producers. Applicant does not, at present, contemplate entering into the business of producing or gathering gas, but intends to accept delivery of gas at its main line connections at the operating pressure in the main line at the point of connection (not to exceed 750 pounds).

Applicant is now negotiating with various producers for its gas requirements. Applicant is considering a proposal to purchase an amount not to exceed 25% of its requirements from United Gas Pipe Line Company. Additional negotiations are being undertaken to purchase other gas from producers in the Gulf Coast area, one of the major gas producing areas of the country. Applicant states that the reserves available to it in this area are adequate to support its project for a period in excess of thirty years.

Applicant's prospective physical connections with the United Gas System described above afford Applicant a unique opportunity to make the maximum utilization of flare gas and the gas of independent producers throughout the entire Gulf Coast area. Gas may be introduced into the main lines of Texas Eastern at any of the points of intersection with United's system, as well as at the termini of Texas Eastern's main lines. In cases where flare gas, or other gas of independent producers, is produced from fields located at points too remote for economic piping to the lines of the Texas Eastern System, the gas may be purchased and placed in United's system, and an equal quantity taken from United's system at the points of intersection. Applicant intends to give priority to the purchase of flare gas up to at least 25 percent of the throughput capacity of Applicant's lines.

The estimated total over-all capital cost of acquiring the Big Inch and Little Big Inch pipeline properties, converting the pipelines to gas transmission service, constructing compressor stations sufficient to provide a throughput capacity of approximately 425,000 Mcf per day, and extending the lines to the distribution systems to be served in the Philadelphia and New Jersey areas is \$182,107,000. No estimated cash requirements for interest during construction is included. Applicant estimates that interest payments during the interim lease and conversion period will be more than

covered by cash income during such period. At or immediately prior to the time of transfer of title to the properties, Applicant intends to raise sufficient funds by the sale of securities to make the final payment due the Government amounting to approximately \$138,000,000, and to repay the notes payable then outstanding. Applicant proposes in carrying out its permanent financing plan to repay the then outstanding notes payable and to authorize the issuance of the following securities: \$20,000,000 of 2½% Notes Payable, \$123,000,000 of 3% First Mortgage Bonds and 37,900,000 Preferred and Common Stock. It is currently anticipated that the financing described above will be carried out through the sale of securities to private investors and/or the public generally.

Applicant will furnish an exhibit at the hearing, details concerning the contracts for the sale and purchase of gas which it is now negotiating. Applicant will at that time also furnish as an exhibit a statement of the total revenues expected from the operation of the properties to be acquired and operated, the total fixed charges and the total operating expenses, based, among other things, on the prices for natural gas established in Applicant's gas sales and gas purchase contracts.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Texas Eastern Transmission Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 47-3805; Filed, Apr. 21, 1947;
8:46 a. m.]

[Docket No. G-885]
CITIES SERVICE GAS CO.
NOTICE OF APPLICATION

APRIL 16, 1947.

Notice is hereby given that on April 2, 1947, Cities Service Gas Company (Applicant), a Delaware corporation having its principal office in Oklahoma City, Oklahoma, filed an application with the Federal Power Commission pursuant to section 7 of the Natural Gas Act for authority to abandon a certain portion of its natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

Approximately 8.09 miles of 4-inch pipeline extending from a point on Applicant's 10-inch pipeline in Section 11, Township 25 South, Range 2 West, Sedgwick County, Kansas, North to a point near Halstead, Kansas, in Section 35, Township 23 South, Range 2 West, Harvey County, Kansas.

Applicant states in its application that the said line was constructed in 1906 to transport gas for distribution within the City of Halstead, Kansas, and that at the present time the said City of Halstead is operating its municipally owned distribution system for which purchases of gas are made from Drillers Gas Company. Applicant further states that the facility sought to be abandoned is not used for service to any other customer and said facility is no longer used or useful in its present location. Applicant wishes to reclaim the facility in order to obtain the pipe for use elsewhere on its pipeline system.

Applicant estimates that the cost of reclaiming the facility is \$11,612.00 and will result in a net salvage value of the facility of \$7,755.00.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Cities Service Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined.

Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or

law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 47-3806; Filed, Apr. 21, 1947;
8:46 a. m.]

[Project No. 16]

NIAGARA FALLS POWER CO.

ORDER CHANGING DATE FOR ORAL ARGUMENT

(1) On April 8, 1947, the Commission fixed April 25, 1947, as the date for oral argument on application filed by The Niagara Falls Power Company, licensee, for amendment of the license for Project No. 16 to include certain claimed water rights which it proposes to acquire from Buffalo Niagara Electric Corporation.

(2) By letter dated April 15, 1947, licensee has requested a change in the date set for the oral argument.

The Commission finds that:

(3) A change in the date for the oral argument, as hereinafter provided, will not be inconsistent with the public interest.

It is ordered, That:

(4) The date and time set for oral argument before the Commission on the question of the validity of the water rights referred to above and the authority of the Federal Power Commission to approve the license amendment requested are hereby changed to commence at 10:15 a. m., on Wednesday, May 14, 1947, in the Commission's Hearing Room, 12th floor, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: April 17, 1947.

By the Commission.

LEON M. FUQUAY,
Secretary.[F. R. Doc. 47-3807; Filed, Apr. 21, 1947;
8:46 a. m.]INTERSTATE COMMERCE
COMMISSION

[S. O. 396, Special Permit 173]

RECONSIGNMENT OF APPLES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., April 15, 1947, by S. A. Lepley, of car FOBX 4041, apples, now on the Great Northern Ry., to Baltimore, Maryland.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of Ameri-

can Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of April 1947.

[SEAL]

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3804; Filed, Apr. 21, 1947;
8:46 a. m.]

[S. O. 690-A]

UNLOADING OF LUMBER AT PORTLAND, OREG.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of April, A. D. 1947.

Upon further consideration of Service Order No. 690 (12 F. R. 1583), and good cause appearing therefor: it is ordered, that:

Service Order No. 690, *Lumber at Portland, Oreg., on S. P. & S. Ry., be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 6:00 p. m., April 16, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3803; Filed, Apr. 21, 1947;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3069]

A. D. F. Co.

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April A. D. 1947.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Capital Stock, \$5.00 Par

Value, of A. D. F. Co., which until August 27, 1945 was known as Atlas Drop Forge Company.

Appropriate notice and opportunity for hearing has been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter.

After due consideration of the record in this matter and on the basis of the facts stated under oath in the application of the New York Curb Exchange to strike this security from listing and registration, we make the following findings: (1) the issuer on September 4, 1945 sold substantially all of its assets to a wholly-owned subsidiary of Spicer Manufacturing Corporation in consideration of the sum of \$1,436,835.47; (2) the issuer ceased manufacturing operations on August 31, 1945; (3) the issuer is in the process of complete and final liquidation; (4) the issuer has distributed to its shareholders two liquidating dividends totalling \$13.00 per share; (5) the only remaining assets are approximately \$400,000, composed principally of United States Government securities and cash, which would amount to \$2.68 per share, subject to certain contingent liabilities in amounts not presently ascertainable; (6) the New York Curb Exchange suspended dealings in this security on January 15, 1947; and (7) the rules of the New York Curb Exchange with respect to the striking of a security from listing and registration have been complied with.

On the basis of these findings and pursuant to section 12 (d) of the Securities Exchange Act of 1934:

It is ordered, That the application be, and the same is, hereby granted, effective at the close of the trading session on April 26, 1947.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-3793; Filed, Apr. 21, 1947;
8:49 a. m.]

[File No. 7-979]

LIGGETT & MYERS TOBACCO CO.

ORDER GRANTING DETERMINATION CONCERNING VALUE OF CERTAIN STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April A. D. 1947.

The Philadelphia Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the Common Stock, \$25 Par Value, of Liggett & Myers Tobacco Company is substantially equivalent to the Common Stock B, \$25 Par Value, of that company, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors:

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2

(b) thereunder, that the Common Stock, \$25 Par Value, of Liggett & Myers Tobacco Company is hereby determined to be substantially equivalent to the Common Stock B, \$25 Par Value, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-3797; Filed, Apr. 21, 1947;
8:49 a. m.]

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of April 1947.

In the matter of The Middle West Corporation, Central and South West Utilities Company, and American Public Service Company, File No. 54-81.

The Middle West Corporation (Middle West), a registered holding company, having filed an application-declaration, and an amendment thereto, requesting the Commission, among other things, to extend to June 30, 1947 the time within which it may comply with that portion of an order of the Commission entered on April 30, 1946, as modified, approving a Plan filed pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 for the merger and reorganization of Central and South West Utilities Company and American Public Service Company, subsidiaries of Middle West, which approved the distribution by Middle West to its own stockholders of the common stock of Central and South West Corporation (Central), the surviving company, to be received by it under the Plan; and

Pursuant to appropriate notice, public hearings having been held and counsel for certain stockholders of Central and Middle West, who were granted leave to be heard, having filed a Motion in the proceedings, which was certified to the Commission by the Hearing Officer, requesting, among other things, that the annual meeting of stockholders of Central to be held on April 15, 1947 be adjourned to a specified date subsequent to the divestment by Middle West of its interest in Central, that the election of directors at such adjourned meeting be held under the direction and control of the Commission and in accordance with the procedure specified in said Motion, and that pending such divestment Middle West not be permitted to vote its shares of Central common stock for the election of directors of Central; and

The Commission having heard oral argument on said Motion and Middle West having entered into a Stipulation with counsel for the Public Utilities Division that it will, among other things, cause the adjournment to August 15, 1947 of the annual meeting of stockholders of Central, cause Central to desig-

nate a new and appropriate date of record for the purpose of qualifying the stock of Central to be voted at the adjourned meeting of stockholders, and distribute on or about June 14, 1947 to its own stockholders, as of a record date to be determined, the common stock of Central which it owns on the basis of one share of common stock of Central for each share of common stock of Middle West; and

The Commission having considered the record, the motion filed on behalf of the participating common stockholders of Middle West and Central, the oral argument thereon, and the Stipulation entered into by counsel for Middle West with counsel for the Public Utilities Division:

It is ordered, That the provisions of the order of April 30, 1946, as modified, approving Middle West's proposal to distribute to its own stockholders the common stock of Central received under the Plan for the merger and reorganization of Central and South West Utilities Company and American Public Service Company be further modified to extend until June 14, 1947 the time within which Middle West may comply with the provisions of the Plan for the distribution of said stock, subject, however, to the conditions specified in Rule U-24 and to the following conditions:

(1) That The Middle West Corporation will cause the adjournment to August 15, 1947, of the Annual Meeting of Stockholders of Central and South West Corporation to be held on April 15, 1947, and that it will vote its shares of common stock of Central and South West Corporation or any proxies it may hold or control for such adjournment and for no other purpose.

(2) That The Middle West Corporation will cause Central and South West Corporation to designate a new date of record not exceeding 30 days prior to the 15th of August 1947, for the purpose of qualifying shares to vote for the election of directors of Central and South West Corporation.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to all other issues raised by the application-declaration, as amended, and by the Motion filed on behalf of certain stockholders of Central and Middle West and that the hearings in these proceedings be reconvened at an early date for the purpose of taking testimony and otherwise completing the record with respect to the issues remaining.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-3800; Filed, Apr. 21, 1947;
8:50 a. m.]

[File Nos. 70-1404 and 70-1408]

NORTHERN NATURAL GAS CO. AND KANSAS
POWER AND LIGHT CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its
No. 79—3

office in the City of Philadelphia, Pa., on the 16th day of April 1947.

In the matter of Northern Natural Gas Company, File No. 70-1404; The Kansas Power and Light Company, File No. 70-1408.

The Commission having on February 17, 1947, issued an order granting the application, as amended, herein and permitting the declaration, as amended, herein to become effective subject to the terms and conditions prescribed in Rule U-24 promulgated under the Public Utility Holding Company Act of 1935, which order contained the recitals that both The Kansas Power and Light Company and Northern Natural Gas Company had filed applications with the Federal Power Commission for certificates of public convenience and necessity with respect to the transactions proposed in these proceedings; and

The Commission being advised that the Federal Power Commission has not acted pursuant to the applications for such certificates of public convenience and necessity filed by The Kansas Power and Light Company and Northern Natural Gas Company; and

The Northern Natural Gas Company having requested that the Commission extend the time within which the proposed transactions may be completed beyond the period of sixty days after the declaration became effective and the application was granted in these proceedings; and

It appearing to the Commission that such request may appropriately be granted:

It is hereby ordered, Pursuant to the provisions of Rule U-24 (c) (1) promulgated under the Public Utility Holding Company Act of 1935 that the transactions proposed in these proceedings shall be completed within 60 days after the date of this order, without prejudice to the right of the applicant and the declarant herein to request the Commission, upon a proper showing, for additional time within which to complete the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-3799; Filed, Apr. 21, 1947;
8:50 a. m.]

[File No. 70-1464]

DELAWARE POWER & LIGHT CO. AND EASTERN
SHORE PUBLIC SERVICE CO. OF VIRGINIA

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of April 1947.

Delaware Power & Light Company ("Delaware"), a registered holding company, and its subsidiary, Eastern Shore Public Service Company of Virginia ("Eastern Shore"), a public utility company, having filed a joint application-declaration, with amendments thereto, pursuant to sections 6 (b), 9 (a), 12 (d) and 12 (f) of the Public Utility Holding

Company Act of 1935 and Rules U-43 and U-44 promulgated thereunder with respect to the following transactions:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1948, up to \$350,000 principal amount of its 3½% promissory notes due October 1, 1973 and 3500 shares of its common stock of the par value of \$100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The proceeds from the sale of said notes and common stock, which will not exceed \$700,000, are to be used to reimburse Eastern Shore's treasury for money expended for construction during the year 1947. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943 in accordance with the provisions of the Indenture of Mortgage.

The proposed issue and sale of securities by Eastern Shore have been approved by the State Corporation Commission of Virginia.

The application-declaration having been filed February 21, 1947 and amendments thereto having been filed on February 27, 1947 and on March 12, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective and deeming it appropriate to grant the request of declarants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration, as amended, be, and the same hereby is granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-3796; Filed, Apr. 21, 1947;
8:49 a. m.]

[File No. 70-1485]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 16th day of April A. D. 1947.

Public Service Company of New Hampshire ("New Hampshire"), a subsidiary of New England Public Service Company, a registered holding company, having filed an application, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

New Hampshire proposes to borrow from one or more banks, during the period from April 1, 1947, to December 31, 1947, an amount not in excess of \$4,400,000 (including \$1,200,000 presently outstanding short term obligations) and to issue from time to time in evidence thereof its promissory notes with a maturity of not more than nine months. The proceeds of said loans are to be used to finance the company's construction program prior to the time when funds will be available from permanent financing. Applicant states that it has been informed by the First National Bank of Boston that it will loan the company the additional funds required at the rate of 1½% per annum. It is represented by applicant that no state commission has jurisdiction over the proposed transactions; and

The application having been filed on March 19, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant having requested that the Commission's order granting the application become effective immediately upon issuance, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said application that the requirements of the applicable sections of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is granted forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-3798; Filed, Apr. 21, 1947;
8:49 a. m.]

[File No. 70-1493]

SOUTH CAROLINA POWER CO. AND COMMON-
WEALTH & SOUTHERN CORP.

ORDER GRANTING APPLICATION AND PER-
MITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities
and Exchange Commission held at its

office in the City of Philadelphia, Pa., on the 15th day of April 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and its public utility subsidiary, South Carolina Power Company ("South Carolina"), having filed a joint application-declaration pursuant to sections 7, (10) (c), 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 regarding the following transaction:

Commonwealth proposes to lend not exceeding \$1,000,000 to South Carolina on the basis of the issuance by South Carolina to Commonwealth of a promissory note or notes maturing nine months from the date of the initial loan and bearing interest at the rate of 1½% per annum. The filing indicates that the loan is being made in order to provide temporary financing for certain plant construction by South Carolina and that the company intends to repay the loan with a portion of the proceeds of the proposed sale of 200,000 shares of common stock and \$4,000,000 principal amount of bonds. A declaration and two amendments thereto with respect to the sale of said stock and bonds by South Carolina have been filed with the Commission (File No. 70-1488) and a notice of and order for hearing thereon on April 24, 1947 has been issued.

Said application-declaration having been filed on April 2, 1947 and notice of such filing having been duly given in the manner and form prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants-declarants having requested that the Commission issue its order by April 15, 1947 and that the order become effective forthwith; and

The Commission finding with respect to such application-declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and permit said declaration to become effective, and deeming it appropriate to grant the request of the applicants-declarants that the order become effective not later than April 15, 1947;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-3794; Filed, Apr. 21, 1947;
8:49 a. m.]

[File 811-181]

INVESTMENT COUNSEL EQUITY FUND, INC.
NOTICE OF APPLICATION, STATEMENT OF
ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April A. D. 1947.

Notice is hereby given that Investment Counsel Equity Fund, Inc., a registered investment company, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission, declaring that the applicant has ceased to be an investment company within the meaning of the act by virtue of the provisions of section 3 (c) (1) of the act. Section 3 (c) (1) of the act. Section 3 (c) (1) provides, in substance, that an issuer whose outstanding securities are beneficially owned by not more than one hundred persons¹ and who is not making and does not presently propose to make a public offering of its securities, shall not be deemed to be an investment company within the meaning of the act.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination it deems the following issues to be raised by the application without prejudice to the specification of additional issues upon further examination:

(1) Whether the outstanding securities of Investment Counsel Equity Fund, Inc. are beneficially owned by not more than 100 persons; and

(2) Whether Investment Counsel Equity Fund, Inc. is not making and does not presently propose to make a public offering of its securities.

It appearing to the Commission that a hearing upon the application is necessary and appropriate;

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on April 28, 1947, at 9:45 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing

¹For the purposes of section 3 (c) (1), beneficial ownership by a company is deemed to be beneficial ownership by one person; except that if such company owns 10 percent or more of the outstanding voting securities of the issuer, the beneficial ownership is deemed to be that of the holders of such company's outstanding securities (other than short-term paper).

officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named applicant, Investment Counsel Equity Fund, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before April 25, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-3795; Filed, Apr. 21, 1947;
8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931.

[Vesting Order 6444, Amdt.]

EMIL AND ROSE BEUTEL

In re: Bank accounts owned by Rose Beutel and Emil Beutel.

Vesting Order 6444, dated June 5, 1946, is hereby amended as follows and not otherwise:

A. By deleting subparagraph 1 of said Vesting Order 6444, and substituting therefor the following:

1. That Emil Beutel and Rose Beutel, whose last known address is Muhlhausen Der Wurm Bei Pforzheim, Baden, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

B. By deleting from said Vesting Order 6444 all that part thereof beginning with the figure "2. That the property described as follows:" and ending with the words "the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);" and substituting therefor the following:

2. That the property described as follows:

That certain debt or other obligation owing to Rose Beutel, by The Philadelphia Savings Fund Society, 700 Walnut Street, Philadelphia, Pennsylvania, arising out of a savings account, Account Number 1,989,910, entitled Rose Beutel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rose Beutel,

the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of The Philadelphia Saving Fund Society, 700 Walnut Street, Philadelphia, Pennsylvania, arising out of a savings account, Account Number 2,001,000, entitled Emil Beutel in trust for Rose Beutel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Beutel and Rose Beutel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All other provisions of said Vesting Order 6444 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3836; Filed, Apr. 21, 1947;
8:53 a. m.]

[Vesting Order 8646]

FREDERICK TROGER

In re: Estate of Frederick Troger, deceased. File No. D-28-3593; E. T. sec. 5837.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Troger, Marie Troger, Henry Troger (Nephew), George Troger, and Wilhelmina Troger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown of George Troger and Wilhelmina Troger and the issue, names unknown of Frederick Burke, also known as Frederick Bauck, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Frederick Troger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by W. Frederick Troger, as Executor of the estate of Frederick Troger, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of George Troger and Wilhelmina Troger, and the issue, names unknown, of Frederick Burke, also known as Frederick Bauck, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3783; Filed, Apr. 18, 1947;
8:49 a. m.]

[Vesting Order 8693]

PAULINA KOHL HAASE

In re: Trust created under the will of Paulina Kohl Haase, deceased. D-28-11728; E. T. sec. 15931.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kath Goetz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Trust created under the will of Paulina Kohl Haase, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter S. Rountree, as Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Modoc;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not

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within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3817; Filed, Apr. 21, 1947;
8:47 a. m.]

[Vesting Order 8694]

GUSSIE JOUNG

In re: Estate of Gussie Joung, a/k/a Gisella Jung, Gizella Young, Gussie Gung and Gussie Jung, deceased. File No. D-34-835; E. T. sec. 14885.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Kummer and Majar Laslo, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Gussie Joung also, known as Gisella Jung, Gizella Young, Gussie Gung and Gussie Jung, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by the Public Administrator of New York County, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3818; Filed, Apr. 21, 1947;
8:47 a. m.]

[Vesting Order 8698]

JOHN LUDU

In re: Estate of John Ludu, deceased. File D-57-462; E. T. sec. 15854.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paraschiva Ludu, Rebecca Ludu, Maria Ludu and Elizabeth Ludu, whose last known address is Roumania, are residents of Roumania and nationals of a designated enemy country (Roumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of John Ludu, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Roumania);

3. That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Roumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3819; Filed Apr. 21, 1947;
8:47 a. m.]

[Vesting Order 8707]

ELLEN WITTGENSTEIN

In re: Estate of Ellen Wittgenstein, deceased. File D-28-3652; E. T. sec. 5984.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorothy B. Caspar, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Ellen Wittgenstein, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Public Administrator of the County of New York, as administrator, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3820; Filed, Apr. 21, 1947;
8:42 a. m.]

[Vesting Order 8708]

MARIE A. ZAISS

In re: Estate of Marie A. Zais, deceased. File No. D-28-8259; E. T. sec. 10080.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Brecht, August Brecht and Walter Brecht, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs-at-law, next of kin, distributees, legatees and personal representatives of August Brecht, who there is

reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Marie A. Zaiss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Fanny Frankel, as Administratrix, c. t. a. of the Estate of Marie A. Zaiss, deceased, acting under the judicial supervision of the Surrogate's Court, Kings County, New York; and it is hereby determined:

5. That to the extent that the above named persons and the heirs-at-law, next of kin, distributees, legatees and personal representatives of August Brecht, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-3821; Filed, Apr. 21, 1947; 8:47 a.m.]

[Vesting Order 8709]

HEDWIG BENNER ET AL.

In re: Stock owned by Hedwig Benner and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each person whose name and last known address is listed in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That each person whose name and last known address is listed in Exhibit B, attached hereto and by reference made a part hereof, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: Thirty-seven (37) shares of \$10 par value common capital stock of General Motors Corporation, 1775 Broadway,

New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed in Exhibit A, registered in the names of and owned by the persons listed therein in the amounts appearing opposite each name, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in Exhibit A, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: Seventy-five (75) shares of \$10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed in Exhibit B, registered in the names of and owned by the persons listed therein in the amounts appearing opposite each name, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in Exhibit B, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany); and

6. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Name of owner	Last known address	Certificate No.	Number of shares	File No.
Hedwig Benner (Mrs.)	Neuenstadt Am Kocher, Wuertt, Germany	C 292602	2	F-28-22829-D-1.
Eva Bertsch	c/o Dr. Hans Miska, Wilhelmshorst-Mark, Am Fichtenberg, Germany	C 337644	5	F-28-22290-D-1.
Erwin Feller	Holzgartenstr. 26, Pforzheim, Germany	C 663169	10	F-28-22292-D-1.
Berthold H. Gottschalk	c/o Allgemeine Finanzierungs-Gesellschaft, Darmstadterstrasse, Russelsheim, A/M, Germany	WC 131880	1	F-28-22294-D-1.
		WC 176565	1	
Adolph Heiduck	Kopendorf Bei Petersdorf Auf Fehmarn, Schleswig, Holstein, Germany	C 564166	2	F-28-22295-D-1.
Hans Hoffmeister	2A Untere Klinge, Coburn, Germany	306880	2	F-28-22296-D-1.
Katharina Stern	Baladerföhr 15, Lubeck, Germany	614150	2	F-28-22300-D-1.
Theodore Wiese	Standstrasse 24, Laboe, Germany	414602	12	F-28-22303-D-1.

EXHIBIT B

Teiji Fujima	75 Honmoku Woda, Nakaku, Yokohama, Japan	C 278703	50	F-39-45-D-1.
Masakatsu Hamanoto	c/o General Motors, Japan, Ltd., Osaka, Japan	WC 183176	3	F-39-4325-D-1.
Yoshio Osawa	c/o J. Osawa & Co., Ltd., Kyoto, Japan	C 101450	13	F-39-4328-D-1.
		WC 30988		
Masao Teshima	Ishibashi Soyen, Ikedo-Cho Toyono-Gun, Osaka, Fu, Japan	WC 55070	9	F-39-4329-D-1.
		WC 138396		

[F. R. Doc. 47-3822; Filed, Apr. 21, 1947; 8:49 a.m.]

[Vesting Order 8710]

CONTINENTAL TRADING CO.

In re: Debt owing to Continental Trading Company. F-39-5097-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Continental Trading Company, the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business or

organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Continental Trading Company, by The Linde Air Products Company, 30 East 42d Street, New York 17, N. Y., in the amount of \$397.61, as of December 31, 1945, together with any and all accruals thereto, and any and all

rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,

Director.

[F. R. Doc. 47-3823; Filed, Apr. 21, 1947; 8:49 a. m.]

[Vesting Order 8712]

ERNEST C. GOERING

In re: Stock owned by Ernest C. Goering. F-28-24106-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest C. Goering, whose last known address is Bahnhofstrasse 2, Berka an der Werra, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Four (4) shares of \$100 par value debenture stock of E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate number G 98339, registered in the name of Ernest C. Goering, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,

Director.

[F. R. Doc. 47-3824; Filed, Apr. 21, 1947; 8:49 a. m.]

[Vesting Order 8713]

ANNA HEYL ET AL.

In re: Bank accounts owned by Anna Heyl, Katharina Heyl, Ludwig Heyl, Otilie Heyl and Philip Heyl. F-28-23059-E-1, F-28-23060-E-1, F-28-23061-E-1, F-28-23062-E-1, F-28-23063-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Heyl, Katharina Heyl, Ludwig Heyl, Otilie Heyl and Philip Heyl, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by Wells Fargo Bank & Union Trust Company, 4 Montgomery Street, San Francisco, California, arising out of the savings accounts, numbered and entitled as set forth opposite the name of each of the aforesaid persons, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,

Director.

EXHIBIT A

Name of nationals	Account Nos.	Name or title of account
Anna Heyl.....	20523	Anna Heyl.
Katharina Heyl.....	20507	Katharina Heyl.
Ludwig Heyl.....	20234	Ludwig Heyl.
Otilie Heyl.....	20588	Otilie Heyl.
Philip Heyl.....	20068	Philip Heyl.

[F. R. Doc. 47-3825; Filed, Apr. 21, 1947; 8:50 a. m.]

[Vesting Order 8714]

ELLA AND ADA HUFFMANN

In re: Debt owing to Ella Huffman and Ada Huffman. F-28-8345-C-1, F-28-8344-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella Huffman and Ada Huffman, whose last known addresses are 5 Rheinweg, Bonn, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ella Huffman by Julius Forstmann & Company, Inc., 2 Barbour Avenue, Passaic, New Jersey, in the amount of \$4,956.82, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Ada Huffman by Julius Forstmann & Company, Inc., 2 Barbour Avenue, Passaic, New Jersey, in the amount of \$4,956.07, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of

ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3826; Filed, Apr. 21, 1947;
8:50 a. m.]

[Vesting Order 8715]

K. ISOME

In re: Debt owing to K. Isome. F-39-5063-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Isome, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to K. Isome, by Hunt, Hill & Betts, 120 Broadway, New York 5, N. Y., in the amount of \$269.18, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3827; Filed, Apr. 21, 1947;
8:50 a. m.]

[Vesting Order 8716]

ERICH KLEIN

In re: Debts owing to Erich Klein, F-28-5320-C-1, F-28-5320-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Klein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Erich Klein, by Leo Wolleman, 95 Nassau Street, New York, N. Y., in the amount of \$1007.25, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Erich Klein, by S. Nathan & Company, Inc., 610 Fifth Avenue, New York 20, N. Y., in the amount of \$870.49, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt

with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3828; Filed, Apr. 21, 1947;
8:52 a. m.]

[Vesting Order 8717]

OTTO LEHMANN

In re: Stock owned by Otto Lehmann, F-28-1547-C-1, F-28-1547-D-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Lehmann, whose last known address is Neukirch, Lausitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of \$10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number C 628000, registered in the name of Otto Lehmann, together with all declared and unpaid dividends thereon,

b. Thirty (30) shares of no par value common capital stock of Bethlehem Steel Corporation, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number L 33838, registered in the name of Otto Lehmann, together with all declared and unpaid dividends thereon, and

c. Fifteen (15) shares of no par value common capital stock of The Procter & Gamble Company, Cincinnati 1, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number CO 27995, registered in the name of Otto Lehmann, together with all declared and unpaid dividends thereon, as evidenced by certain dividend checks in the custody of said The Procter & Gamble Corporation, and together with said dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

NOTICES

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3829; Filed, Apr. 21, 1947;
8:52 a. m.]

[Vesting Order 8718]

FRITZ MEBIUS ET AL.

In re: Bank accounts owned by Fritz Mebius, Elizabeth Mebius, Wilhelm Mebius, Martha Mennig, and Irma Mebius. F-28-23328-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Mebius, Elizabeth Mebius, Wilhelm Mebius, Martha Mennig, and Irma Mebius, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by The Capital National Bank of Sacramento, P. O. Box 899, Sacramento 4, California, arising out of the savings accounts, numbered and entitled as set forth opposite the name of each of the aforesaid persons, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of national	Account No.	Name or title of account
Fritz Mebius	72325	Fritz Mebius.
Elizabeth Mebius	72327	Elizabeth Mebius.
Wilhelm Mebius	72326	Wilhelm Mebius.
Martha Mennig	72323	Martha Mennig.
Irma Mebius	72324	Irma Mebius.

[F. R. Doc. 47-3830; Filed, Apr. 21, 1947;
8:52 a. m.]

[Vesting Order 8721]

HANS OERTEL

In re: Bank account owner by Hans Oertel. F-28-23428-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Oertel, whose last known address is 36 Prenzenaner Strasse, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hans Oertel, by The New Haven Bank N. B. A., 809 Chapel Street, New Haven 2, Connecticut, arising out of a checking account, entitled Hans Oertel, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3831; Filed, Apr. 21, 1947;
8:52 a. m.]

[Vesting Order 8723]

ELISABETH SCHERER

In re: Bank account owned by Elisabeth Scherer. F-28-22701-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Scherer, whose last known address is Nussbach by Odenbach, Rh. Pfalz, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City of New York, Broadway at 73d Street, New York, New York, arising out of a savings account, account number 1137333, entitled Elisabeth Scherer in trust for Arthur Scherer, maintained at the branch office of the aforesaid bank located at 157 4th Avenue, New York, New York, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Elisabeth Scherer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3832; Filed, Apr. 21, 1947;
8:52 a. m.]